

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:23-CR-19
(KLEEH)

ROBERT DAVID SIMS,
JOSHUA DAVID SINES, and
JOSIAH DANDUE REDD,

Defendants.

ORDER GRANTING MOTION TO CONTINUE TRIAL
AND RELATED DEADLINES [ECF NO. 69]

By previous order, this matter was scheduled for a pretrial conference on July 29, 2024, and a jury trial on August 13, 2024. Defendant Redd has moved to continue both, along with all related deadlines [ECF No. 69]. In support of the motion, counsel for Defendant Redd states that he requires additional time to prepare for trial. Defendant Sims, Defendant Sines, and the Government have no objection to the requested continuance.

For good cause, the motion is **GRANTED** [ECF No. 69]. The pretrial conference is **CONTINUED** until **September 23, 2024**, at **3:30 p.m.**, at the Clarksburg, West Virginia, point of holding court. The jury trial is **CONTINUED** until **October 15, 2024**, at **9:30 a.m.**, at the Clarksburg, West Virginia, point of holding court. All other dates and deadlines are **GENERALLY CONTINUED**.

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In continuing the trial, the Court has considered the factors outlined in 18 U.S.C. § 3161. Because counsel for Defendant Redd requires additional time to prepare, the Court finds that the ends of justice served by continuing the trial outweigh the best interest of the public and the defendant in a speedy trial. Specifically, the Court finds that this time should be excluded from speedy trial computation because the failure to grant a continuance "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." See 18 U.S.C. § 3161(h)(7)(B)(iv). The failure to continue the trial would be likely to result in a miscarriage of justice. See id. § 3161(h)(7)(B)(i). As for Defendants Sims and Sines, this period of delay shall be excluded from speedy trial computation because it constitutes a "reasonable period of delay when the defendant[s] [are] joined for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted." See id. § 3161(h)(6).

It is so **ORDERED**.

United States Magistrate Judge Michael J. Aloï is **DIRECTED** to enter a new scheduling order setting forth new pretrial filing deadlines in this matter.

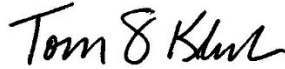
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The Court **DIRECTS** the Clerk to transmit copies of this Order to counsel of record, Magistrate Judge Aloï, the Office of Probation, and the United States Marshals Service.

DATED: July 22, 2024

Handwritten signature of Thomas S. Klee in black ink.

THOMAS S. KLEE, CHIEF JUDGE
NORTHERN DISTRICT OF WEST VIRGINIA